

Remarks

1. Claim Status

Claims 56-68 remain pending with claims 56, 62, 64, and 67 being independent. Applicant submits new claims 69 and 70 for consideration. Support for the new claims can be found, for example, in paragraphs [0023] and [0024] of the application.

2. Claim Objections

Attorney for Applicant has amended claims 59 and 64 to recite "the first linked device" instead of the "linked device"

3. Claim Rejections - 35 USC §112

The Office Action rejected claims 59 and 64 as not disclosing "determine ... multiple priority levels" stated in lines 2-9. However, support for this limitation appears in a variety of places in the application including paragraphs [0036] and [0037] as well as Figure 8.

Attorney for Applicant has amended claims 62 and 67 to recite "the linked device" instead of the "second device".

4. Prior Art Rejections

Claim 59 recites a single Ethernet control frame that includes "data identifying at least one time duration to apply flow control to ... identified multiple priority levels of Ethernet traffic". Claim 59 stands rejected over Williams (U.S. 6,957,269) over Lee (U.S. 6,859,435). Williams does not teach data identifying at least one time duration to apply flow control to multiple priority levels. Further, Lee does not provide this teaching.

Instead, Lee teaches away from using such data. Lee states:

rather than coding the PAUSE frame's parameter to represent the period of time that the upstream neighbor should not send data frames, the parameter is coded to represent the various Transmit Feedback values [col. 14, lines 7-11]

In other words, Lee teaches the opposite of including a time value in a control frame, using the unused space in the duration parameter field to instead store feedback values. In short, while Lee knew how time durations could be used and communicated in a PAUSE frame, Lee nevertheless teaches an approach that rendered such information superfluous. Thus, applying "a method and system for feedback the

priority levels in the pause frame as disclosed by Lee into the teaching of Williams" [Office Action Mailed 1/22/09, page 5, first full paragraph] would not yield the recited control frame. Accordingly, for at least the reason above, Attorney for Applicant requests withdrawal of the rejection of claim 59 and its corresponding dependent claims.

Claims 62, 64 and 67 recite similar limitations and stand rejected on the similar grounds as claim 59. For at least the reason state above, Attorney for Applicant requests withdrawal of the rejection of claims 62, 64, and 67 and their corresponding dependent claims.

If any fees are due, please apply such fees to Deposit Account No. 50-0221.

Respectfully submitted,

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